

SEP 19 2017

Federal Communications Commission  
Office of the Secretary**REQUEST FOR EXTENSION OF TIME TO CONSTRUCT**

PHI Service Company (“PHI”), pursuant to Section 1.946(e)(1) of the Rules and Regulations of the Federal Communications Commission (“FCC” or “Commission”), hereby requests an extension of time to construct its license identified by Call Sign WQMT945. Due to unexpected delays involving the installation of the equipment required for the operation of these facilities, the system will not be placed into service by the construction deadline of August 1, 2017.

**Background**

PHI is a subsidiary of Pepco Holdings, Inc. (“Pepco Holdings”), one of the largest energy delivery companies in the Mid-Atlantic region, serving approximately two million customers throughout Delaware, the District of Columbia, Maryland and New Jersey. Pepco Holdings’ subsidiaries Potomac Electric Power Company (“Pepco”), Delmarva Power & Light Company (“Delmarva”), and Atlantic City Electric Company (“ACE”) provide regulated electricity service (“Energy Delivery Companies”); Delmarva also provides natural gas service.

PHI acquired the Licenses in Auction 87. The FCC previously granted PHI a waiver to operate the licenses on a private, internal basis in connection with the provision of electric utility services.<sup>1</sup> The additional communications capacity helps ensure that PHI carries out its operations in a safe and effective manner, benefiting PHI’s employees, the general public and surrounding environment.

**Request for Rule Waiver**

A waiver from Section 1.946(e) to permit the filing of a request for extension of time to construct may be granted, pursuant to Section 1.925(b)(3) of the Commission’s rules, so long as the licensee establishes that: 1) the underlying purpose of the rule would not be served or would be frustrated by application of the instant case, and that grant of the waiver would be in the public interest; or 2) where the petitioner establishes unique or unusual factual circumstances, that application of the rules would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

PHI is in the midst of deploying area-wide systems licensed for internal operations to support the extensive smart grid deployments of its affiliated Energy Delivery Companies. To that end, PHI has engineered a system to operate on the spectrum authorized under WQMT945 that relies on 21 base station transmitters. As of August 1, 2017, PHI has fully constructed and placed ten of those base station transmitters on the air.

PHI respectfully submits that waiver of Section 1.946(e) in this instance is supported under the second prong of Section 1.935(b)(3): in this instance, application of the rule “would be inequitable, unduly burdensome and contrary to the public interest.” PHI has made substantial

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<sup>1</sup> See FCC File No. 0004366656.

progress in the deployment of its Part 22 licenses. PHI is implementing a UHF data network to support critical smart grid applications. The residences, businesses and government locations that obtain electric service from PHI and its subsidiaries will benefit from operations under the WQMT945 through improved response/restoration times and, overall, more reliable electric service.

Thus, this waiver request and underlying request for extension of time are not being submitted to support a licensee that has failed to take tangible, substantial steps to commence operations prior to filing the request for extension of time.<sup>2</sup> PHI has been moving forward in deploying its UHF Part 22 facilities in order to meet smart grid requirements, some of which are mandated by regulation and others based on best practices, that will provide more reliable service to the residences, business and government customers that obtain essential electric and gas delivery services from PHI's affiliated Energy Delivery Companies. PHI has the requisite funds to complete the deployment and operate this UHF network.

Further, this requested relief is consistent with other relief granted by the Commission to allow late-filed extension requests in which a licensee demonstrated that it was aggressively constructing its system.<sup>3</sup>

Accordingly, the Commission is respectfully requested to waive Section 1.946(e) of the Commission's rules and an extension until December 31, 2017 to complete construction for WQMT945.

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Should the Commission require additional information, it is requested to contact C. Douglas Jarrett, Keller and Heckman LLP, 1001 G Street NW, Washington, DC 20001; 202.434.4180; e-mail: [jarrett@khlaw.com](mailto:jarrett@khlaw.com) or Tim Doughty; 202.434.4271; e-mail: [doughty@khlaw.com](mailto:doughty@khlaw.com).

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<sup>2</sup> PHI has decided not to move forward with the construction and operation of the spectrum authorized under Call Signs WQMT942 and WQMT946 and will not be making substantial service showings for these authorizations.

<sup>3</sup> See e.g., State of New Mexico, Request for Waiver of Section 90.529(b)(1) of the Commission's Rules, Order, DA 15-760 (rel. Jun. 26, 2015).